

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**AMIR A. SHAH,
OSMAAN A. SHAH,
I2O, INC.,
d/b/a DIRECTPO,
d/b/a VISTACLICK,
LIU GUANG MING,
and
PAUL F. ZUCKER,**

Defendants.

No. 09-00141-01/05-CR-W-HFS

DEFENDANTS' UNOPPOSED MOTION TO AMEND SCHEDULING ORDER

Defendants Amir A. Shah, Osmaan A. Shah, I2O, Inc., and Paul F. Zucker, by and through their undersigned attorneys, hereby jointly move pursuant to Fed.R.Cr.P. 12 for an order of this Court amending the Scheduling Order, as amended by this Court's Order of September 9, 2009, to continue the trial date and extend the deadlines for filing pretrial motions.

These defendants request that the trial be continued from its present setting on April 26, 2010, to a date in September, 2010, to such a date that counsel for all parties are reasonably available, and that the deadline by which pretrial motions are to be filed by defendants be extended from its present date of January 25, 2010, to April 15, 2010.

In support of this motion, defendants jointly state:

1. Defendants are charged in a multiple count Indictment returned April 23, 2009, with conspiracy in violation of 18 U.S.C. § 371, fraud in connection with computers in violation of 18 U.S.C. §§ 1030(a)(2) and 1030(a)(5), fraud in connection with email in violation of 18

U.S.C. §§ 1037(a)(1), 1037(a)(2) and 1037 (a)(3), and § 2, and forfeiture pursuant to 18 U.S.C. §§ 1030(i) and (j), 1037(c), and 21 U.S.C. § 853.

2. The Indictment charges complex allegations of criminal conspiratorial conduct and substantive violations of alleged unlawful spam email operations. The facts presented by the indictment are complex.

3. The government's produced discovery is voluminous. The second wave of the government's discovery was not made available by the government until early December 2009.

4. Defendants Amir A. Shah, Osmaan A. Shah and I2O, Inc. have recently terminated their representation by attorneys Bruce Simon and Bruce Houdek, and in their place have retained Curtis E. Woods, Marc J. Zwillinger, Jacob A. Sommer of Sonnenschein Nath & Rosenthal LLC. These defendants' new attorneys require additional time to review the government's discovery, analyze the complex facts presented by the Indictment, so as to be able to prepare and file pretrial motions.

5. Defendant Zucker's attorneys, Merrill Rubin and James R. Hobbs, also require additional time to review the government's discovery, analyze the complex facts presented by the Indictment, so as to be able to prepare and file pretrial motions.

6. Given the complexity of the case, the voluminous discovery (much of which was produced in December 2009), defendants require additional time to identify areas where expert testimony may be necessary, and to identify, retain and prepare those experts.

7. Extending the deadline to April 15, 2010 for defendants to file their pretrial motions will necessitate a continuance of the trial date in order to afford the Court sufficient time to consider and rule on defendants' pretrial motions.

8. Defendants Amir A. Shah, Osmaan A. Shah, I2O, Inc. and Paul F. Zucker acknowledge their respective rights to a speedy trial and hereby waive that right.

8. Defendants' counsel have conferred with the government's lead attorney, Assistant United States Attorney Matthew Wolesky, and he advises the government has no objection to a continuance of the trial and the requested extension of the pretrial motion deadline.

WHEREFORE, defendants Amir A. Shah, Osmaan A. Shah, I2O, Inc. and Paul F. Zucker hereby request that the present trial date be continued to September 2010 and the present deadline for the filing of pretrial motions be extended to April 15, 2010, and for such other relief as the Court may deem just and necessary.

Respectfully submitted,

SONNENSCHN NATH & ROSENTHAL LLP

/s/ Curtis E. Woods

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ATTORNEYS FOR DEFENDANT
PAUL F. ZUCKER

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 13th day of January, 2010, the foregoing was electronically filed with the Court using the CM/ECF system which sent notification hereof to all counsel of record.

/s/ Curtis E. Woods